

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

De ANDRE' BROWN

PLAINTIFF

v.

No. 4:09CV34-MPM-JMV

CITY OF GREENVILLE, ET AL.

DEFENDANTS

REPORT AND RECOMMENDATION

This matter is before the court for dismissal *sua sponte*. The plaintiff filed the complaint in this action on April 1, 2009, and summonses (# 2) were issued for the three named defendants the same day. Nearly a year later, on January 15, 2010, the Clerk issued a Notice (# 3) of incomplete service of process, indicating that there was no record that summonses had been served on the defendants. Because there had been no activity in this case following entry of the Clerk's Notice, on August 11, 2011, the court entered a Show Cause Order (# 4) which required the plaintiff to explain his failure to serve process in a timely manner. The plaintiff has failed to respond in accordance with that Order. Accordingly, there is a clear record of delay, and it is recommended that this case be dismissed with prejudice for failure to prosecute.

The parties are referred to L. U. Civ. R. 72(a)(3) for the applicable procedure in the event any party desires to file objections to the findings and recommendations herein contained. The parties are warned that any such objections are required to be in writing and must be filed within fourteen days of this date. Failure to timely file written objections to the proposed findings, conclusions and recommendations contained in this report will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal unobjected-to proposed factual findings

and legal conclusions accepted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Respectfully submitted this 31st day of August, 2011.

/s/Jane M. Virden
UNITED STATES MAGISTRATE JUDGE